IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19631 of 2004

Between:

B. Krishna, S/o late B.Y. Naidu, Hindu,

aged about 52 years, Occ: Ex-Treasurer,
N.A.D.C.E.Cooperative Society Limited,

No.B:1152, Visakhapatnam.

..... PETITIONER

AND

1 The Deputy Registrar of Cooperative Societies, Visakhapatnam.
2 The Secretary, N.A.D.C.E. Cooperative Society Limited, No.B-1152, Visakhapatnam.
3 The Assistant Manager, N.A.D.C.E. Cooperative Society Limited, No.B-1152, Visakhapatnam.
4 The Chief General Manager, Naval Armament Depot, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ declaring the inaction of the respondent Nos.2 and 3 herein in not accepting the statement of accounts and vouchers as submitted by the petitioner as illegal, arbitrary and consequently to direct the respondent Nos.2 and 3 herein to accept the loan dues from the members who have availed the loans forthwith.

Counsel for the Petitioner: MR.V.V.N.NARAYANA RAO

Counsel for the Respondents: GP FOR COOPERATION

The Court at the stage of admission made the following Order:

The petitioner who claims to be the former Director of the 2nd respondent Society seeks a declaration that the alleged action on the part of respondents 2 and 3, who are the Secretary and the Assistant Secretary of National Armament Depot Civil Employees Co-operative Society Limited, Visakhapatnam, a society registered under the A.P. Co-operative Societies Act, 1964 (for short, 'the Act') in not accepting the statement of accounts and vouchers as submitted by the petitioner, as arbitrary and illegal and for a consequential direction to respondents 2 and 3 to accept the loan dues from the members, who availed the loans.

The contention of the petitioner is that the Elected Managing Committee of the Society was superseded long back under Section 34 (1) of the Act and a Special Officer has been appointed and therefore the Chairman of the Society is not justified in calling upon the petitioner to submit the relevant vouchers and documents of the loan accounts without providing necessary information. It is also contended that there is no such provision either in the bye-laws of the society or under the provisions of the statute requiring production of the vouchers and accounts. Hence, this writ petition.

At the outset, it is to be noted that the dispute raised by the petitioner relating to the management and the business of the society in question is squarely falls within the scope of Section 61 of the Act and therefore it is a matter to be decided by the Registrar of Co-operative Societies as provided under the Act. The petitioner,

without exhausting the said remedy available under the statute, cannot maintain this writ petition.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to work out the appropriate remedy as available under law. No costs.

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27-10-2004

kdl

To

1 The Deputy Registrar of Cooperative Societies, Visakhapatnam.

2 The Secretary, N.A.D.C.E. Cooperative Society Limited, No.B-1152, Visakhapatnam.

3 The Assistant Manager, N.A.D.C.E. Cooperative Society Limited, No.B-1152, Visakhapatnam.

4 The Chief General Manager, Naval Armament Depot, Visakhapatnam.

5 Two CCs to the Government Pleader for Cooperation, High Court of A.P., Hyderabad. (O.U.T.)

6 Two CD copies.